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(f/k/a Fir Tree Inc.) d/b/a Fir Tree Partners, and FT CIG Litigation, LLC
as assignee of Fir Tree Capital Opportunity (LN) Master Fund, L.P.
and Fir Tree Ref III Tower LLC*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FIR TREE CAPITAL MANAGEMENT LP
(f/k/a FIR TREE INC.) d/b/a FIR TREE
PARTNERS, and FT CIG LITIGATION, LLC,
as assignee of FIR TREE CAPITAL
OPPORTUNITY (LN) MASTER FUND, L.P.
AND FIR TREE REF III TOWER LLC,
Plaintiffs,

v.

COMPARTMENT IT2, LP,
COMPARTMENT IT5, LP,
COMPARTMENT IT9, LP, and
MFAM MOBILFUNK ASSET
MANAGEMENT GMBH,

Defendants.

CASE NO.: 2:18-cv-00773-JAC-VCF

**STIPULATION AND ORDER TO
EXTEND TIME TO SUBMIT
DISCOVERY PLAN/SCHEDULING
ORDER**

(FIRST REQUEST)

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1 Plaintiffs and all named Defendants herein, by and through their attorneys of record,
2 hereby stipulate and move the Court to extend the deadline for the Parties to submit a stipulated
3 Discovery Plan and Scheduling Order pursuant to FRCP 26(f) and LR 26-1. Although the
4 Parties have previously submitted stipulations requesting the Court to extend the time for the
5 Parties to file or oppose a previous motion to dismiss (*see* ECF No. 15, ECF No. 17, and ECF
6 No. 25) and withdraw said motion to dismiss to allow Plaintiffs to amend their complaint (ECF
7 No. 29), this is the first stipulation for extension of time to file a stipulated Discovery Plan and
8 Scheduling Order.

9 **RECITALS**

10 On November 9, 2018, Defendants filed a Motion to Dismiss the Complaint (ECF No.
11 11).

12 By Order dated November 19, 2018 (ECF No. 16), entered pursuant to a stipulation of
13 the parties (ECF No. 15), the date for Plaintiffs to file their Opposition to the Motion to Dismiss
14 was December 10, 2018, and reply briefs were to be filed by December 20, 2018.

15 By Order dated December 10, 2018 (ECF No. 18), entered pursuant to a second
16 stipulation of the parties (ECF No. 17), the date for Plaintiffs to file their Opposition to the
17 Motion to Dismiss was December 17, 2018, and reply briefs were to be filed by January 4,
18 2019.

19 On December 17, 2018, Plaintiffs filed their Response to Defendants' Motion to Dismiss
20 (ECF No. 19). By Order dated December 27, 2018 (ECF No. 26), entered pursuant to a third
21 stipulation of the parties (ECF No. 25), the date for Defendants to file their reply brief was
22 January 31, 2019.

23 By Order dated January 14, 2019, the Motion to Dismiss was deemed withdrawn, and
24 the date for Plaintiffs to file an Amended Complaint was January 31, 2019, the date for
25 Defendants to file a Motion to Dismiss the Amended Complaint was March 4, 2019, the date for
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1 Plaintiffs to file their Opposition to the Motion to Dismiss was April 5, 2019, and the date for
2 Defendants to file their Reply in Support of the Motion to Dismiss was April 19, 2019.

3 The Amended Complaint was filed on January 31, 2019. (ECF No. 31). Defendants'
4 Motion to Dismiss the Amended Complaint was filed on March 4, 2019 (ECF No. 33).
5 Plaintiffs' Opposition to the Motion to Dismiss was filed on April 5, 2019 (ECF No. 37).
6 Defendants' Reply in Support of the Motion to Dismiss was filed on April 19, 2019 (ECF No.
7 39).

8 While Plaintiffs and Defendants dispute whether the Defendants' Motion to Dismiss
9 should be granted, the Parties agree that, if granted, the pending motion to dismiss may resolve
10 some or all of the issues. Accordingly, the necessity for, and the scope of, discovery may be
11 affected by the Court's ruling on the pending motion to dismiss.

12 The purpose of this stipulation is not intended to hinder or delay, but rather is submitted
13 for purposes of judicial economy. The Parties stipulate, and respectfully request, that the Court
14 extend the deadline for the Parties to submit a proposed Discovery Plan and Scheduling Order
15 Pursuant to FRCP 26(f) and LR 26-1 until 14 days after the Court enters its ruling on the
16 pending motion to dismiss.

17 **STIPULATION**

18 IT IS HEREBY STIPULATED AS FOLLOWS:

19 The deadline for the Parties to submit a proposed Discovery Plan and Scheduling Order
20 Pursuant to FRCP 26(f) and LR 26-1 shall be extended until 14 days after the Court enters its

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1 ruling on the pending motion to dismiss, namely, Defendants' Motion to Dismiss (ECF No. 33).

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3 DATED this 27th day of June 2019

DATED this 27th day of June 2019

4 /s/ Robert J. Cassity

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12 *Management LP (f/k/a Fir Tree Inc.) d/b/a Fir*
13 *Tree Partners, and FT CIG Litigation, LLC as*
14 *assignee of Fir Tree Capital Opportunity (LN)*
15 *Master Fund, L.P. and Fir Tree Ref III Tower*
16 *LLC*

17 **ORDER**

18 IT IS SO ORDERED.

19 **IT IS HEREBY ORDERED**
20 **that a status hearing is**
21 **scheduled for 10:00 AM,**
22 **January 6, 2020, in**
23 **Courtroom 3D.**



U.S. MAGISTRATE JUDGE

DATED: July 1, 2019

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